

**Amendment**

Applicant: Northrup III et al.

Serial No.: 09/800,613

Filing Date: March 7, 2001

Docket: M104.120.102

Title: EVERTING STAPLE DEVICES AND METHODS

**REMARKS**


Claims 1-35 are pending. By this Amendment, the Title and the Abstract are amended.

In response to the September 22, 2003 Election/Restriction Requirement, Applicants hereby elect Group I, claims 1-26 and 30-35, and Species 1, Figures 1-9, with traverse. Claims 1-5 and 8-35 read on the elected Species.

Applicants traverse the Election/Restriction Requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, the application must be examined on the merits even though it includes claims directed to distinct or independent inventions. MPE. § 803. The subject matter of Groups I-II and Species 1-2 are believed sufficiently related that a thorough search for the subject matter of any one group or species would encompass a search for the subject matter of both groups or species. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicants, Applicants respectfully request examination on the merits of all the claims. The Examiner is invited to telephone the undersigned to advance prosecution.

Respectfully submitted,

Customer No. 025281  
DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2010  
Facsimile: (612) 573-2005

  
\_\_\_\_\_  
William M. Hienz III  
Reg. No. 37,069

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 500471.*

**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22<sup>nd</sup> day of October, 2003.

By   
\_\_\_\_\_  
William M. Hienz III